

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No.: 22-40 (JRT/LIB)(1)

UNITED STATES OF AMERICA,

Plaintiff,

VS.

HARSHKUMAR PATEL,

Defendant.

DEFENDANT PATEL’S PROPOSED VOIR DIRE QUESTIONS

PROPOSED VOIR DIRE

ILLEGAL IMMIGRATION

1. This is an illegal immigration case. Much has been said and written about immigration issues in the media. You cannot pick up a newspaper or news magazine, turn on the radio or TV, without hearing the matter discussed.
2. We are not here to solve this problem and whether or not we agree with the current law. We are here only to determine whether the defendant is guilty or not guilty as charged in the indictment that I just read to you. Does anyone have a feeling or belief in favor of or against the current federal law (on immigration) that will prevent them from being fair and impartial?

VIEWS OF IMMIGRATION

3. Has any member of the jury panel, or any member of your family or close friends, had an unpleasant or negative experience with immigrants to this Country that would prevent you from rendering a fair and impartial verdict?
4. [IF YES] Would this experience/arrest/detention prevent you from rendering a fair and impartial verdict in this case?
5. Does anyone have any opinions either for or against individuals of Indian descent simply because of their ethnic origin? Does anyone have any opinions either for or against citizens of India who are living in the United States? Does anyone have any opinions either for or against individuals who do not speak English fluently? If so, can you set those opinions aside and render a verdict based upon the evidence you hear in this matter?

6. Are you involved in lobbying for changes in immigration laws or policies? Are you a member of any groups or organizations that are involved in lobbying for changes in immigration laws or policies?
7. Does anyone have any opinions either for or against individuals of Indian descent simply because of their ethnic origin? Does anyone have any opinions either for or against citizens of India who are living in the United States? Does anyone have any opinions either for or against individuals who do not speak English fluently? If so, can you set those opinions aside and render a verdict based upon the evidence you hear in this matter?
8. Are you involved in lobbying for changes in immigration laws or policies? Are you a member of any groups or organizations that are involved in lobbying for changes in immigration laws or policies?

DEFENSE NO OBLIGATION TO CALL WITNESSES

9. The defendant has no obligation to call any witnesses in this case. The burden of proof is solely that of the Government. Will any of you feel that defendant's choice not to call any witnesses should be held against him/her in this case?

DEFENDANT HAS RIGHT NOT TO TESTIFY

10. A defendant in a criminal case has a constitutional right not to testify. Stated another way, the defendant has a right to remain silent throughout the case including trial. No presumption of guilt may be raised, and no inference may be drawn, from the fact that the defendant does not testify. Is there anyone who will hold defendant's silence against him in any way, if he chooses not to testify in this case?

EXPERIENCE WITH CRIMINAL MATTERS

If you would prefer to discuss any of the below questions privately with Court and Counsel please let the Court know.

11. Have you ever been involved, in any court, in a criminal matter that concerned yourself, any member of your family, or a close friend either as a defendant, a witness, or a victim?
12. Have any of you, a family member or close friend ever been falsely accused of committing a crime? [how did that experience affect you; did you form any opinions as to law enforcement, attorneys, or the judicial system; would it affect your ability to remain impartial in this case?]
13. Have any of you, or any member of your immediate family had an unpleasant experience in court, or involving lawyers, which would affect your ability to impartially consider the evidence presented in this case?
14. What was involved? When did this take place? Who were involved? What was the outcome? Do you feel that this incident might have some bearing on your judgment if you were chosen as a juror in this trial?

SOCIAL MEDIA

15. Is anyone such a habitual user of the internet through Facebook, blogs, tweets, texts, or Google, either on your cell phone or computer, that it would be really difficult to follow the court's instruction to not research or write anything about this case or the jury deliberations?

FOLLOWING INSTRUCTIONS

16. Will you follow the Court's instructions to the jury strictly, whether you agree or disagree with them?
17. Just as importantly as following the Court's instructions, is will whether you promise to inform the Court if one of your fellow jurors is not following the Court's Instructions.

BIAS

Members of the Jury, despite the many differences in our lives and backgrounds, we all want to see ourselves as fair, equitable and rational human beings, yet studies show that despite our best intentions none of us are free from bias. Implicit racial bias refers to unconsciously held biases that do not necessarily reflect our conscious beliefs. Because implicit bias is subconscious, even people who consciously abhor discrimination can unconsciously be influenced by implicit bias. Implicit bias is developed over the course of a lifetime through exposure to direct and indirect messages. Studies show that implicit bias can affect how we all make important decisions in our lives. Please keep that in mind as you answer the following questions.

- a. Is there anyone here that believes that they DO NOT harbor any implicit bias?
- b. If you hear a voice on the telephone, do you ever make an assumption about the speaker's race even though you can't see them?
- c. Based on that assumption do you ever find yourself treating that person in a way that is unique to their race?
- d. Are there any of you who believe that a White person is more likely to be telling the truth than a Minority person?
- e. Can you be fair in a case where a Minority man is accused of assaulting a White woman?
- f. Would you consider the race or heritage of Mr. Patel in your evaluation of this case?
- g. Would you consider the race or gender of the Federal Officer in your evaluation of the case?
- h. Has anyone ever taken a moment to consider if they subconsciously believe Minority people are violence prone? Not whether you actually believe it to be true, but considered it?

Respectfully submitted,

Dated: October 28, 2024

/s/ Thomas More Leinenweber

Thomas More Leinenweber

Appearing Pro Hac Vice

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